

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5408 of 1992

with

SPECIAL CIVIL APPLICATION No 5409 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SURESHBHAI NARANBHAI PRAJAPATI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 5408 of 1992
MR PJ VYAS for Petitioner
RULE SERVED for Respondent No. 1, 2
2. Special Civil ApplicationNo 5409 of 1992
MR PJ VYAS for Petitioner
RULE SERVED for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 24/06/1999

ORAL JUDGEMENT

Heard Mr P.J. Vyas, for the petitioner in both the petitions and Mr V.M.Pancholi, learned AGP, for the respondents.

2 The petitioners have challenged the order passed by the competent authority and the order passed by the Tribunal under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976. The authorities have not taken possession of the land in question from the petitioner which fact is not in dispute, in view of the instructions received by the learned AGP from Mr A.B.Baria, Deputy Mamlatdar.

3 The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March 1999, passed under Article 252(2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petitions do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petitions have abated.

4 Both these petitions are accordingly disposed of as having abated. There shall be no order as to costs.

(M S SHAH, J.)

(mohd)